

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-61553-DIMITROULEAS

CRUZ VALDIVIESO FIGUERA,

Plaintiff,

vs.

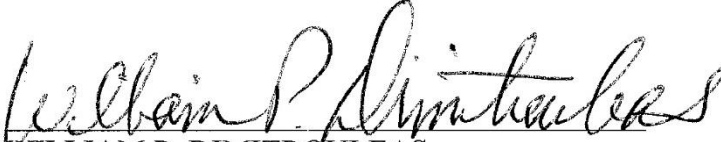
ALL VIP CARE, INC., et. al.

Defendants.

NOTICE OF IMPROPER FILING

The Court hereby notifies the parties that the Court is in receipt of an email from Defendants All VIP Care, Inc. and Liz Velazquez McKinnon. The email included a letter, which is attached below. The Court advises that any communication with the Court must be filed directly in the docket. Accordingly, the Court will not consider the email and attached letter.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida,
this 27th day of January 2025.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies to:
Counsel of Record
Magistrate Judge Patrick Hunt

Via E-Mail: Dimitrouleas@flsd.uscourts.gov

January 25, 2025

Honorable William P. Dimitrouleas
United States District Court
Southern District of Florida

Re: Cruz Valdivieso Figuera v. All VIP Care, Inc. & Liz Vanessa McKinnon
Case No: 0:22-CV61553-DIMITROULEAS/HUNT

Dear Honorable Judge Dimitrouleas,

The purpose of this letter is to inform the court I have paid the Attorney Fees awarded to Mr. Pollack. Also, I am writing you a letter not just from a Defendant side, but also as a member of the community.

The first payment of the three payments was in the amount of \$100,000. The first payment was a complete surprise. I was not informed that Mr. Pollack filed a Writ of Garnishment against the Business Operating Account. This account holds the weekly payroll for over 400 caregivers. Mr. Pollack did not grant me an opportunity to compose a payment plan. Mr. Pollack's actions were ruthless as detailed in attorney Elizabeth Perez's motion to the court.

Judge, I would like to inform you that the amount you awarded Mr. Pollack was unreasonable and generous. Judge, the case should have been thrown out of court from the moment Cruz Valdivieso Figuera admitted in her deposition that she was an Independent Contractor (1099). Cruz Valdivieso Figuera admitted during her deposition that she was not an EMPLOYEE, but, yet Mr. Pollack continued the lawsuit. During the trial, it was obvious that she was lying to the court. In fact, you stated Cruz Valdivieso Figuera was a bad witness. To this day, I do not understand why a motion to dismiss this frivolous case was not filed with the court.

Then, to my dismay, the court did not allow the "breach of contract" claim to be heard in the court room. In the end, I am grateful the Jury's Verdict was in my favor delivering a loud message to people like Cruz Valdivieso Figuera in the community, and attorneys such as Pollack. This brings me peace.

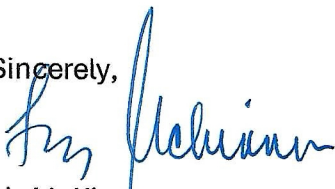
Judge, one more important thing to mention. During the trial, and right before you decided to dismiss the "breach of contract" claim, you asked Mr. Goldberg, "Why wasn't an injunction filed?" Judge, the truth is that the original attorney on the case neglected to file the injunction. You see, when Cruz stole the 2 clients and took them to Senior Nanny Home Care, my attorney was immediately contacted (I have emails to serve as evidence). Therefore, if the original attorney on the case had done his job right, my claim would not be "counterclaim" in the eyes of the court, etc. And Mr. Goldberg's respond did not address the original attorney's error(s).

This was a frivolous lawsuit. Yet, the court awarded Mr. Pollack \$150,000 in attorney fees.

Judge, as an upright citizen who contributes to the community, and has paid thousands of dollars defending this frivolous case with much conviction and compassion, I ask you to please close the case. I am exhausted to learn of Mr. Pollack's demands for more money (see attached email). It is time that I receive some kind of justice because it is earned.

Thank you for your attention to this matter.

Sincerely,



Liz McKinnon

All VIP Care